

Secularization and ‘constitutive moments’: insights from partition diplomacy in South Asia¹

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This essay proposes an argument – on the face of it, both outlandish and paradoxical – that the violent upheavals of partition, which divided British India along religious lines, encouraged trends towards secularization in India and Pakistan. In the very months when the subcontinent was engulfed in religious conflict, both countries took significant steps to produce common institutions – indeed a common statecraft -- to manage mass migration and lawlessness across the new borders that divided them. I suggest this process secularized both states simultaneously in specific, admittedly partial, but remarkably similar, ways.

This is not to claim, as others have done, that partition ‘solved’ the communal problem, by creating conditions in which, (at least in India), it was easier for ‘secularism’ to flourish. I argue instead that the process of secularization occurred while communal attitudes remained pervasive, sometimes despite, and sometimes because of, extreme violence. I hope to show that in seeking to contain the threat that communal disorder posed to their ability to govern, elites at the helm in both countries took measures that secularized their approach to communalism, to religious communities and to the ‘enemy’ across the border.

To make this case, I deploy a conception of ‘secularization’ that is supple, but not controversial. I use the term to mean a tendency towards differentiation -- not only

¹ I am grateful to Humeira Iqtidar for persuading me to engage with the history of secularization. Her candid feedback helped me tighten the argument. Tanika Sarkar, and the participants of the workshop on secularization held at King’s College London in X, as well as the anonymous referees, have my gratitude for their helpful comments on an early draft. Simon Longstaff deserves warm thanks for his encouragement of these ideas at an embryonic stage.

between the secular spheres -- the state and the market -- and the religious sphere, but also between state and society, society and the individual, and state and religious communities. This notion of secularization draws attention to the growing institutional autonomy of these 'spheres'. In addition, it notes that internal differentiation and stratification within these separate spheres is a feature of secularization. 'Secularization as differentiation' is a concept that many sociologists have used and continue to find helpful: indeed, as Jose Casanova has famously stated, this thesis remains 'the valid core of the theory of secularization'.²

Periods of crisis and emergency, this essay proposes, can throw up conjunctures in which these separations are crystallised in one or more sphere³, encouraging forms of secular practice to emerge. It suggests that in both Indian and Pakistan, the post-partition crisis was one such moment in the history of secularization.

That the relationship between India and Pakistan after 1947 became mired in intractable conflict – as India pursued a policy of secularism, while Pakistan sought to build a state whose laws conformed to Islamic principles -- has long been a cornerstone in South Asian studies.⁴ Recently, however, this consensus, rock solid for decades, has begun to crumble. Scholars are coming to identify much 'mutuality and cooperation'⁵ between the two states

² Jose Casanova, *Public Religions in the Modern World*, (Chicago: University of Chicago Press), 1994, p.212. Also see David Martin, *On Secularization: Toward a Revised General Theory*. (Aldershot: Ashgate Publishing Company), 2005.

³ I am not suggesting that the 'state' did in fact separate itself from 'society' in any simple sense. It will become clear below that I see this distinction rather as Timothy Mitchell does, as an internal (and often notional) border within the wider network of institutional mechanisms through which a social and political order is maintained. Timothy Mitchell, 'Society, Economy and the State Effect', in Aradhana Sharma and Akhil Gupta (eds), *The Anthropology of the State: A Reader*, (Oxford: Blackwell Publishing), 2006, p. 170.

⁴ E.g. T.V. Paul, (ed.), *The India-Pakistan Conflict. An Enduring Rivalry*, (Cambridge: Cambridge University Press), 2005; Lars Blinkenberg, *India-Pakistan. The History of Unsolved Conflict. Volume I. The Historical Part*, (Odense: Odense University Press), 1998; Alistair Lamb, *Incomplete Partition. The Genesis of India's Kashmir Dispute*, (Roxburg, 1997; Karachi: Oxford University Press) 2002; Sumit Ganguly, 'Wars Without End: The Indo-Pakistani Conflict', *Annals of the American Academy of Political and Social Science*, 541, September 1995.

⁵ Joya Chatterji, 'Mutuality and cooperation in South Asia: an alternative history of India-Pakistan relations', (unpublished lecture, Royal Asiatic Society, March 2012, <http://backdoorbroadcasting.net/2012/03/joya-chatterji-an-alternative-history-of-india-pakistan-relations>).

in the aftermath of partition, whether in the areas of refugee relief and rehabilitation,⁶ citizenship regimes,⁷ or inter-dominion relations.⁸ This essay builds upon this scholarship, but takes its conclusions in rather different directions. In particular, it investigates the hesitant, but nonetheless significant, conformity of policy and practice in tackling borderlands and border-crossing in the late 1940s and early 1950s. It regards these as processes by which, on both sides of the Radcliffe line, the state withdrew from its commitment to safeguarding the welfare of a particular religious *community*, in favour of policies that promoted order and stability more broadly. In this process, it suggests, the authorities in both India and Pakistan began to regard (and perhaps construct) the interests of the post-colonial state itself, and also of property and the 'private citizen', as distinct from the interests of the 'religious communities' with which one or other 'nation-state' was (and to a great extent remained) strongly identified. They also began to conceive of 'society' as being an arena separate from 'the state'. At these historical junctures, key actors on both sides took the view that the separation of the 'state' from 'society' was vital for the survival of both the 'state' *and* 'society'.

In focussing tightly on specific historical *moments* of post-colonial state formation, this essay, I am aware, might be seen as going against the grain of scholarship on the subject. That rich and illuminating body of work suggests that secularization (in the modern West) occurred slowly, over a period of centuries, as the result of complex societal change.⁹ My aim is not to challenge the gradualist account of secularization. It is rather to investigate the relationship between 'critical events' and more leisurely historical transformations. The question it addresses is: what insights into that longer process of secularization can be gained from the perspective of 'constitutive moments'?

⁶ Vazira F. Zamindar, *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories*, (New York, 2007); Joya Chatterji, 'South Asian Histories of Citizenship, 1946-1970', *The Historical Journal*, 55, 4, (2012), pp. 1049-1071.

⁷ Chatterji, 'South Asian Histories of Citizenship'.

⁸ Pallavi Raghavan, 'The Finality of Partition: Bilateral Relations between India and Pakistan, 1947-1957', Unpublished doctoral dissertation, University of Cambridge, 2012; Kanti Bajpai Pervaiz I. Cheema, S. Ganguly, P. R. Chari, S. P. Cohen (eds), *Brasstacks and Beyond: Perception and Management of Crisis in South Asia*, (New Delhi: Barnes and Noble), 1995.

⁹ The classic statement of this position is set out in Charles Taylor's magisterial work, *A Secular Age*, (Cambridge Mass.: Bellnap of Harvard University Press), 2007.

In periods of crisis, the essay suggests, trends and tendencies with long histories can rapidly crystallise into new institutional practices with a wider secularising impulse. But it shows, too, that these new institutions did not always survive, and when they did, their foundations often remained insecure. Reversals were as significant as gains, and incoherence was more common than ideological unity of purpose. In other words, while secularization might appear (from the comfortable distance of hindsight) to have been a seamless, unilinear process with powerful philosophical underpinnings, looked at from up close, it proves to have been formed by more fragile moments, with tenuous outcomes and uncertain directions. By looking closely historical moments during which, metaphorically speaking, the hyphen between the (religious) 'nation' and the 'state' was partly erased, and the interests of the state took precedence of the nation (and the national 'community'), this essay draws attention to trends towards secularization that are hardly discernible, and have rarely been discussed, but which, I argue, call to be better understood.

The paper analyses two such junctures, both at the earliest stages of the development of 'third world' diplomacy. Both case studies concern the management of the eastern and western frontiers, respectively, between India and Pakistan. One of my examples is drawn from the highest levels of India-Pakistan diplomacy, at the moment of its very 'birth'; the other is based on evidence garnered at local levels, to do with everyday policing of the new border that separated the two countries. These cases proved to have fascinating and surprising inter-connections. Historians of India's partition take the view that 'partition in the east' was fundamentally different from 'partition in the west', a consensus to which my own work has contributed.¹⁰ The two cases looked at below challenged my assumptions and throw a different light on partition studies as a whole. But there is also a remarkable 'sub-text'. Teasing that out, as I try to do in this essay, reveals much about the history of secularization in South Asia.

¹⁰ E.g. Joya Chatterji, 'Rights or charity? Government and refugees: the debate over relief and rehabilitation in West Bengal, 1947-1950', in Suvir Kaul (ed.), *Partition of memory*, (Delhi: Permanent Black Press, 2001); and Joya Chatterji, *The spoils of partition. Bengal and India 1947-1967*, (Cambridge: Cambridge University Press) 2007. Also see Ranabir Samaddar (ed.), *Reflections on partition in the east*, (New Delhi and Calcutta: Vikas Publishing House and Calcutta Research Group, 1997).

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In several important respects, Radcliffe's borders were governed differently in the east and the west. To summarise briefly a deeply complex history: in August 1947, in the west, the two governments and their armies became involved in the rescue and transfer of minority populations¹¹ and the recovery of abducted women.¹² India committed troops to arrange the evacuation of Hindu and Sikh minorities from Pakistan,¹³ and created a special unit to track down and recover Hindu and Sikh women abducted by Muslim men.¹⁴ Pakistan did the same for Muslim refugees and abductees. These arrangements were intended to apply to both parts of the divided Punjab. But after the September 1947 riots in Delhi, and mass exoduses across north India and Sind,¹⁵ the Punjab agreements had to be extended first to Delhi; and, following the anti-Meo pogroms that Ian Copland and Shail Mayaram have described, to Bharatpur, Alwar and Bikaner.¹⁶ After troubles broke out in Sind and Bihar, these rules began to be applied there too,¹⁷ and were extended to the princely state of Hyderabad after India's 'police action' in 1948.¹⁸

¹¹Robin Jeffrey, 'The Punjab Boundary Force and the problem of order, 1947', *Modern Asian Studies*, 8,4 (1974); Tahir Kamran, 'The unfolding crisis in Punjab, March-August, 1947: key turning points and British responses', *Journal of Punjab Studies*, 14, (2007), pp. 187-210.

¹²E.g. Ritu Menon and Kamla Bhasin, *Borders and boundaries: women in India's partition*, (New Delhi, 1998).

¹³ Rajendra Prasad to Patel, 10 September 1947; and Patel's reply to Prasad, 12 September 1947, Durga Das (ed.), *Sardar Patel's correspondence*, (10 vols, Ahmedabad, 1971) (SPC), iv, pp. 340-41.

¹⁴Government of India (GOI), Ministry of External Affairs (MEA), CAP Branch/F.8-CAP(AP)48.

¹⁵ I have used throughout the contemporary (1948-50) spellings of place names, which subsequently changed several times, to avoid confusion.

¹⁶ Ian Copland, 'The further shores of Partition: Ethnic Cleansing in Rajasthan 1947', *Past and Present*, No. 160 (August, 1998), pp. 203-239; Shail Mayaram, 'Speech, Silence and the Making of Partition Violence in Mewat', in Shahid Amin and Dipesh Chakravarty (eds.), *Subaltern studies X*, (New Delhi: Oxford University Press), 1996.

¹⁷ Chatterji, 'South Asian Histories of Citizenship'. The regions where the rules applied were

At this point, India took measures to discourage the return home of evacuees of the ‘wrong’ religious denomination: first, by introducing a permit system in June 1948,¹⁹ and then, by draconian ordinances in 1949, taking over the property of all Muslim evacuees from ‘the affected areas’ – now extended to include all of India, except West Bengal, Assam and Tripura -- who were deemed to have migrated to Pakistan.²⁰ The evacuee property of Muslims was then deployed by the government of India as the cornerstone of its projects to house and rehabilitate Hindu and Sikh refugees.²¹ Soon afterwards, Pakistan followed suit, taking over abandoned Hindu and Sikh property in western Pakistan for allocation to Muslim refugees.²² By threatening would-be migrants with dispossession, these reciprocal measures stabilised populations and stemmed the massive flows of refugees that had challenged the capacity of the state to handle and absorb these people both in north, western, and south India and in west Pakistan. They produced a relatively impervious border between the two countries in the west, across which flows came to be strictly regulated. Later, the diplomatic corps of both countries were charged with exercising oversight over the welfare of ‘their’ minorities in the ‘other’ country.²³

So in western Pakistan, as well as in large parts of north, western and southern India, the two states evolved policies for the welfare of refugees, evacuees and abductees which were

known as the ‘agreed areas’. Ilyas Chattha, *Partition and locality: violence, migration, and development in Gujranwala and Sialkot 1947-1961*, Karachi: OUP Pakistan, 2011.

¹⁸ Taylor C. Sherman, ‘Migration, citizenship and belonging in Hyderabad (Deccan), 1946–1956’, *Modern Asian Studies*, 45, (2011), pp. 81-107; Taylor C. Sherman, *Muslim Belonging in Secular India: Negotiating Citizenship in Postcolonial Hyderabad*, Cambridge: Cambridge University Press, 2015.

¹⁹ GOI/ Ministry of Home Affairs (MHA)/ F. 6/62/48-FI; GOI/MEA/F.21/48-Pak I; GOI/MEA/F.2-1/48-Pak I; Zamindar, *The Long Partition*; Chatterji, ‘South Asian histories of citizenship’.

²⁰ ‘An ordinance to provide for the administration of evacuee property and for certain matters connected therewith’, Ordinance No. XXVII of 1949, *The Gazette of India*, 18 October 1949, GOI/MEA F. 17-39/49-AFRI.

²¹ (India) Act XXXIV of 1954, 9 October 1954.

²² GOI/MEA/F.11-21/49-Pak III/ Secret

²³ GOI/MEA/F.12-16/49-Pak A; Chatterji, ‘South Asian histories of citizenship’.

reciprocal, but which nonetheless identified each of them strongly with the interests of the particular community (or communities) at the core of their conception of nationhood. In the immediate aftermath of partition, it was *Hindu* women, *Hindu* property, *Hindu* refugees and *Hindu and Sikh* minorities whom India sought to protect. Pakistan did the same for *Muslims*. Scholars have remarked, rightly, upon the implications of these policies for national identity, citizenship and belonging on both sides of the Radcliffe line.²⁴

But there were large, and significant, exceptions to these rules. In Pakistan, the entire eastern wing ('East Bengal', latterly 'East Pakistan'), which made up a *majority* of Pakistan's entire population, was left out of these arrangements. In India, three entire provinces -- West Bengal, Assam and Tripura -- were excluded. In concert, India and Pakistan agreed to adopt a very different policy towards cross-border migrants across the entire eastern region of the subcontinent than they had established in the west. The border here, they agreed, was to be left porous. There would be no state-assisted evacuation of refugees. The vacant property of emigrant minorities would not be deployed for the rehabilitation of incoming refugees. Instead, it would be held in trust for its original owners and managed by special Evacuee Property Management Boards, set up specifically for this purpose.²⁵ Incoming refugees would largely be left to fend for themselves.

These policies might be described in some senses as secular. In contrast to the west, in the east, the state in both India and Pakistan appeared to dissociate itself from their responsibilities towards 'core' national (but religiously defined) communities which had fled - in both directions - across the eastern borders in search of shelter.

How do we make sense of these arrangements, which taken together, produced the specificities of 'partition in the east'?²⁶ Might they be understood as efforts by the state to

²⁴ Zamindar, *The Long Partition*; Chatterji, 'South Asian histories of citizenship'; Menon and Bhasin, *Borders and boundaries*; Raghavan, 'The Finality of Partition'; Sherman, 'Migration, citizenship and belonging in Hyderabad (Deccan)'; Taylor C. Sherman, *Muslim Belonging in Secular India. Negotiating Citizenship in Postcolonial India*, Cambridge: Cambridge University Press, 2016.

²⁵ Chatterji, 'Rights or charity?'; Haimanti Roy, *Partitioned Lives. Migrants, Refugees, Citizens in India and Pakistan, 1947-65*, (New Delhi: Oxford University Press), 2013.

²⁶ Ranabir Samaddar (ed.), *Reflections on Partition in the East*, (New Delhi and Calcutta: Vikas Publishing House and Calcutta Research Group, 1997).

step back from the arena of ‘community’, and hence as a form of secularization? And if this occurred, how and why did it come about? How did the participants in these processes understand or justify them?

Fortunately, a detailed record of the first Inter-Dominion conference between India and Pakistan in Calcutta in April 1948, at which the representatives of India and Pakistan hammered out these arrangements, has survived. Rather like the scribes in a court of law, a small army of stenographers recorded every single word that was spoken at the conference, over the course of three days, in Calcutta’s Writers’ Building. This transcript, only recently released for scholarly scrutiny, yields a fly-on-the-wall view of Indo-Pakistan diplomacy at this embryonic stage of that relationship. But more importantly for our purposes here, it also gives a hint of why this new policy for the east, so different from that recently adopted in the north and west of the subcontinent, appealed to policy-makers on both sides.

Before addressing this source in detail, some background information is needed to grasp its full significance. By December 1947, the Military Evacuation Organisation, established in September, had rescued and evacuated most of the refugees stranded in the two Punjabs. A semblance of order was returning to the divided Punjab, to Delhi and to the towns and villages of the north and west of the subcontinent that had witnessed the worst violence. To the relief of government on both sides, the huge migrations in the west of the subcontinent appeared to have ceased. It seemed that the crisis was finally over.

But no sooner had things begun to settle down in the north-western tracts when trouble broke out in the east. In the summer of 1947, Calcutta and its surrounding townships had remained tense but largely peaceful.²⁷ Yet despite the uneasy calm, over a million Hindu refugees from eastern Bengal had made their way across the border to Calcutta between August and December 1947 and perhaps half as many Muslims had fled from West Bengal, Assam and Bihar and crossed the border into East Bengal.²⁸ In February 1948,

²⁷ Although see Ishan Mukherjee, 'Agitations, Riots and the Transitional State in Calcutta, 1945-50'. Cambridge University PhD dissertation, 2017, who makes a strong case for continued, if low-grade, violence, throughout the period in Calcutta.

²⁸ Chakravarty, *The Marginal Men*; Joya Chatterji, *The Spoils of Partition. Bengal and India, 1947-67*, (Cambridge:Cambridge University Press), 2007; A. F. M. Kamaluddin, 'Refugee

however, localised violence sparked off fresh exoduses across the eastern border between India and Pakistan. Soon after, the Standstill Agreement between India and Pakistan on trade broke down, after Pakistan decided to impose an export levy on jute.²⁹ On 1 March 1948, the two countries declared ‘each other [to be] *foreign country* as regards customs and excise duty.’³⁰ Tensions escalated in the two Bengals and Assam, and frightened people of the minority communities once again began in to flee their homes in search of security.

This was the context in which the first Inter-Dominion Conference was held in Calcutta in April 1948. This conference was quite different from the numerous previous meetings that had been held to discuss arrangements about refugees in the Punjab. There agreement between India and Pakistan had been achieved within the joint institutional structures established by the Partition Council, with the meetings chaired by Auchinleck or by Mountbatten. The Calcutta Inter-Dominion conference was, in this sense, the first properly ‘international’ encounter between the leaders of India and Pakistan, at which delegates from the two countries faced each other across the table without a British Viceroy or his deputy in the chair; and this in the broader context where a new international order was just beginning to emerge,³¹ and widespread scepticism about the prospects of Asia’s two newest countries surviving as sovereign states.³²

At Calcutta, K. C. Neogy and Ghulam Mohammad, Refugee Rehabilitation Ministers of India and Pakistan respectively, led the two delegations. The Indian deputation also included Syama Prasad Mookerjee (then Cabinet Minister for Industry and Supply) and Sri Prakasa (the Indian High Commissioner in Pakistan) as well as the Chief Ministers of West Bengal (Dr B. C. Roy) and Assam (Gopinath Bardoloi). Pakistan’s team included Khwaja

Problems in Bangladesh’, in L. A. Kosinski and K. M. Elahi (eds), *Population Redistribution and Development in South Asia*, (Dordrecht: D. Reidel Publishing), 1985.

²⁹ V. V. S. Tyagi, ‘The Economic Impact of Partition on Indian Agriculture and Related Industries’, Unpublished doctoral dissertation, American University, Washington DC, 1958.

³⁰ Blinkenberg, *India-Pakistan*, p. 135.

³¹ Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations*, (Princeton: Princeton University Press), 2013; Raghavan, ‘The Finality of Partition’.

³² Chaudhri Muhammad Ali, *The Emergence of Pakistan*, (New York and London: Columbia University Press) 1967.

Nazimuddin (Chief Minister of East Bengal), and Hamidul Huq Choudhury (East Bengal's Minister for Finance, Commerce, Labour & Industries, later to become the third Foreign Minister of Pakistan.) Politicians of longstanding for the most part, these men inevitably had elite backgrounds -- B. C. Roy was a wealthy society doctor in Calcutta, Sir Ghulam Mohammad, an Aligarh alumnus, had been Accountant for the Ministry of Finance; Khwaja Nazimuddin, a prosperous landlord, was a scion of the Nawab of Dhaka's family; Syama Prasad Mookerjee, son of Sir Ashutosh Mukherjee, had been called to the bar at Lincoln's Inn, and went on to become the youngest Vice Chancellor of Calcutta University. But few of these men had worked for government (Ghulam Muhammad was an exception in this regard) and none of them had any experience of international negotiations.

The agenda before them was 'to discuss the causes of the present exodus of non-Muslims from Eastern Pakistan and Muslims from West Bengal and action necessary to create conditions in Eastern Pakistan and West Bengal which will make it possible for non-Muslims and Muslims respectively to continue to live there'; and 'To discuss steps necessary to induce evacuees from Eastern Pakistan and West Bengal to return home and other ancillary action'.³³ The agenda makes it plain that neither government felt able to cope with another exchange of population on the scale of Punjab, and each wanted to head off the looming crisis before it was engulfed by another tide of refugees.

Thus, the common goal for the delegates from India and Pakistan was to agree on ways *to restore order* on both sides of the border, which in turn would persuade members of minority communities in East and West Bengal to stay on where they were, and encourage evacuees who had already fled to go back to their homes. The verbatim transcript gives us a candid camera of the conference, and see how both sides went about the business of *producing peace*.

Reading through the transcript, the reaction of the historian is just how remarkable it was that they succeeded. Minutes after the conference began, members of the two delegations

³³ 'Proceedings of the Inter-Dominion Conference held at 2.15 p.m. on the 18th April, 1948, at the Writers' Buildings, Calcutta', GOI/MEA/ Pak-I Branch, File No. 8-15/48.

reacted with rage when the subject of Muslim migrants forced to leave Assam was first mentioned³⁴:

***The Hon'ble H.H. Choudhury:** Let the [Assam] Government not force [Muslims] out.*

***The Hon'ble Mr Bardoloi:** I am not forcing anybody out. If you go on talking like this, I refuse to take part in this conference.*

***The Hon'ble Mr. Ghulam Muhammad:** Then let us agree that pending the discussion at the next Inter-Dominion Conference Assam government will not do anything to force the immigrants out...*

***The Hon'ble Mr Bardoloi:** I do not agree to that...*

***The Hon'ble Mr Ghulam Muhammad:** We are trying to give and take and not dictate.*

***The Hon'ble Mr Neogy:** Then we better call a separate inter-dominion conference.*

The Hon'ble Mr Ghulam Muhammad:** Let the resolution be like this: **It is recommended that a separate inter-Dominion conference should be called at an early date ... to discuss the question of migration of Muslims from East Bengal to Assam Pending this conference both sides agree not to take any action to force or precipitate exodus on a mass scale from one province to the other.

³⁴ Since the late nineteenth century, Muslim peasants from Bengal, chiefly from Mymensingh district, had begun to migrate in increasing numbers up the Brahmaputra river into Assam, and colonize empty land in the Brahmaputra valley for agriculture. Haraprasad Chattopadhyay, *Internal Migration in India: A Case Study of Bengal*, (Calcutta: K. P. Bagchi), 1987. Tensions had begun to rise between local Assamese people and the Bengali migrants in the 1930s, escalating sharply in the 1940s when the Congress and the Muslim League became involved in the issue. Amalendu Guha, *Planter-Raj to Swaraj. Freedom Struggle and Electoral Politics in Assam, 1826-1946* (New Delhi: ICHR), 1977. The conflict had assumed ethnic and communal dimensions well before the partition of India, but these were exacerbated after 1947. GOI/MEA/F.39-NEF/47/Secret. Also see Jayeeta Sharma, *Empire's Garden. Assam and the Making of India*, (Duke University Press: Durham and London), 2011.

*The Hon'ble Mr Neogy: Let us get on with the rest of the work.*³⁵

In effect, both sides decided to shelve for the time being talking about issues in Assam that so infuriated members, Indian and Pakistani alike, in order to get on with 'the rest of the work'. They achieved this by separating the Assam question from all the others that had to be addressed. What had previously been seen as a single 'communal' question, conceived as being a conflict between monolithic 'Hindu' and 'Muslim' communities, was thus broken down (or differentiated) into discrete, regionally defined, questions, each requiring a distinct approach.³⁶

Indeed, *deferral* was a device that the delegates used more than once when the conference ran into troubled waters. When matters came up that prompted one or other incensed delegate to threaten to walk out, the other members quickly agreed to put the matter off, to be discussed at a future conference. This was an interesting tactic (and one that was frequently deployed at subsequent Indo-Pakistan negotiations), because it assumed - and thus laid the basis for - *continued* dialogue. It *presumed* that the two sides would continue to talk to each other, and settle differences between themselves *through discussion*, albeit at some later date. It also ensured that in these ways, the agenda for a future conference, and further dialogue, had been mutually established.

But at another level, the deployment of this tactic can be seen as a *secularization* of the process. By disaggregating 'communal' issues into separate parts, by postponing the discussion of matters about which delegates were 'passionate' (as opposed to reasoned and 'rational'), and by first settling matters over which the two sides had achieved (in a Rawlsian sense) a kind of 'overlapping consensus', the two delegations were creating a secular practice of international diplomacy that would endure well beyond the crisis of 1948.³⁷

³⁵ Proceedings of the Inter-Dominion Conference, 16-18 April, 1948, at the Writers' Buildings, Calcutta', GOI/MEA/ Pak-I Branch, File No. 8-15/48. Emphasis added.

³⁶ The fact that Ghulam Muhammad had experience as a public servant in the Railways in British India may or may not be relevant to his readiness to agree a solution to the problem. Neogy had no such experience.

³⁷ Raghavan, 'The Finality of Partition'.

Substantial agreement was even more swiftly achieved once delegates began to speak to each other quite openly as members of the same *social class*, with common material interests, and a common stake in a mutually beneficial settlement. One such instance was settling the scope of the proposed Evacuee Property Management Boards.

Again, a word of clarification will be useful here. The two sides had intended to set up these Boards, as their name suggests, for the express purpose of protecting and managing the property of distressed *evacuees* who had abandoned their homes during the riots. Both governments were clear that it was imperative to restore the confidence of minorities if they were to prevent another mass exodus on the scale of Punjab, and to persuade those who had fled to return home. To ensure these twin purposes, H. M. Patel - a model career bureaucrat on the Indian side³⁸ - proposed that the rather general term, 'minority', in the proposed agreement be replaced with the word 'evacuee', which, by this time, had acquired a very specific legal meaning.

H. M. Patel had represented India on the steering committee that had dealt with these issues in the west, so he knew well that this was a critically important distinction. Precedents in the Punjab and the north west had established that the word 'evacuee' meant quite specifically those who had fled from one country to the other during the troubles and had abandoned property in *the land of their birth and residence*. But most delegates -- who were surprisingly ill-informed about what had happened in the Punjab -- misunderstood Patel's intent. The exchange which followed is funny as well as telling:

The Hon'ble Mr. Hamidul Huq Choudhury: *I have got some property in Kalimpong [in Indian West Bengal]. Will this Committee manage that property?*

The Hon'ble Mr Neogy: Yes, certainly. Do not discriminate between the different classes of people we have in view...*I know of any numbers of*

³⁸ H. M. Patel, graduate of St. Catherine's College, Oxford, and a distinguished member of the Indian Civil Service, served until 1950 as cabinet secretary to the Ministry for Home Affairs under Vallabhbhai Patel in 1946. He worked with Chaudhry Muhammad Ali, the future Prime Minister of Pakistan, on the implementation of partition. He was the head of the Emergency Committee administering Delhi during the outbreak of violence in September 1947. He continued as one of India's highest-ranking civil servants until 1959. *Times of India* (Ahmedabad), 26 August 2004.

landlords and businessmen who have never crossed the [River] Padma, although they own property in East Bengal.

The Hon'ble Mr. Ghulam Muhammad: We are considering here [how] to safeguard the property of those people who have left against their wishes. You want to bring in all sorts of people. ...

The Hon'ble Mr Neogy: I have some personal property.

The Hon'ble Mr Ghulam Muhammad: Men like you would have served us in a higher position and we are being deprived of that benefit. So we think these cases should be punished! (Laughter).³⁹

Not surprisingly, this was quickly agreed among fellow landlords, despite H.M. Patel's quiet protest. The Evacuee Property Management Boards, which had been established to protect the abandoned homes only of genuine evacuees, would now extend their jurisdiction to *all* property owners who belonged to the minority community, whether or not they had actually set foot in these estates, and regardless of whether they were actually evacuees or not. The Boards would thus be empowered to act as state-backed estate managers for large private landowners who were in fact *not* evacuees, at a time when private property everywhere had been rendered insecure. Once again, we see the delegates retreat from a commitment to specifically communal welfare, to a pursuit of beneficial arrangements for propertied groups on both sides. This is an interesting example of how private interests worked with and through the state to buttress both themselves and the state's secular authority, while appearing to create official institutions (the Boards) sharply distinct from society.⁴⁰

A similar drift is perceptible in the discussion of measures to alleviate the 'economic boycott and strangulation' of vulnerable minority groups. These measures were intended to alleviate the hardship faced by vulnerable persons who were left behind, (such as, for example, Hindu *goalas* or milkmen in East Bengal who had earned their livelihoods by selling milk locally, or Muslim artisans in West Bengal,) who faced economic boycott by

³⁹ 'Proceedings of the Inter-Dominion Conference'. Emphasis added.

⁴⁰ Also see Mitchell, 'Society, Economy and State Effect', p. 175.

members of the majority community. Instead, the discussion quickly turned to cases, on both sides, of ‘unfair’ and ‘excessive’ income-tax demands levied upon individual (and famously wealthy) members of those minority communities. Some of them happened to be delegates at the conference.⁴¹ Once again, there was much laughter and mutual leg-pulling, references to common acquaintances who had fallen foul of the taxman, and jokes about rapacious Finance Ministers. (‘The Hon’ble Mr Nazimuddin: You don’t know what the Finance Ministers have [up] their sleeves!’) Not surprisingly, it did not take long for the two sides to achieve ‘absolute agreement in the matter’⁴². By the end of the first day of the conference, the parties who had started out at each others’ throats as angry spokesmen of violated and embattled rival communities were acting as ‘rational, sociable agents who meant to collaborate in peace to their mutual benefit.’⁴³

Significantly, both sides also helped diffuse any remaining tensions by distancing themselves (and the wider social class to which they all belonged) from any responsibility for the communal violence and discrimination against the minorities in both countries. The delegates insisted that it was people lower down the social scale, Hindus and Muslims alike, who were to blame for the mess. As Hamidul Huq Choudhury put it, ‘nobody occupying high position can ever think of molesting or injuring the interests of the minorities... It is generally the petty officers who being misled by a false patriotic feelings [who] are responsible for all this mischief...’. This theme crops up again and again, and at later conferences as well – the idea that it was lowly functionaries at the bottom of the food chain who spread the ‘contagion’ of communalism, while their enlightened superiors looked on in horror. Also interesting here is the reference to ‘false patriotic feeling’, presumably the passionate and irrational attachment towards the nation or community felt by the lower ranks, in contrast to the sensibly measured attitude of the elites to their respective communal affiliations. There was also a tendency on both sides of the table to blame *some* refugees for their own plight – those impoverished and in distress (as opposed, presumably, to the wealthiest, who had managed to transfer many of their assets in good time): ‘It is only some people who have gone from the Indian Union and *who are*

⁴¹ Khwaja Nazimuddin had considerable landed property spread over many districts. Hamidul Huq Choudhury and K.C. Neogy also had substantial landed interests.

⁴² ‘Proceedings of the Inter-Dominion Conference’.

⁴³ Charles Taylor, *The Secular Age*, p.159.

*themselves in difficulty about their own prospects, who are irritated for the sufferings they have undergone- it is they who are contributing... to the problem.*⁴⁴

By the evening of the second day of the conference, the delegates appeared to be relaxing into a mood of mutual trust and good-humoured ease. Indeed, at several points that afternoon, they appear to have forgotten that they were at a serious international meeting and not at a social occasion in the company of friends and social equals. That night, when the meeting broke off for dinner, the serious business was all done, bar the shouting – which was no longer the order of the day. The conference ended early the next day, several hours before the appointed time.

Yet all the laughter and bonhomie should not blind us to the very serious decisions that were made at this conference. (See Appendix 1). Nor should we avoid recognizing *how* – at a time of great tension and conflict – these decisions came to be agreed. First, both sides believed that it was imperative for their respective state's survival to do everything they could to stem cross-border flows. Second, individual members of both delegations believed that the restoration of order and the security of property was vital to their own interests, and that of their social class. If, in order to achieve this greater good, they had to retreat from commitments to the welfare of their more vulnerable co-religionists who had already fled their homes and were reluctant to return, so be it: that was the price they were prepared to pay.

Third, arriving at agreement had required the delegates to take a view about *who* was responsible for the violence against minorities on both sides of the border. They quickly agreed it was not themselves, or members of the wider social stratum to which they belonged. They distanced themselves from the 'unfortunate' actions of 'misguided' (or 'irrational') actions of their inferiors, on whom they placed the blame. They simultaneously and rhetorically separated the 'community' into two groups – the enlightened elite (to which they themselves belonged) and whose interests were closely aligned with the interests of both states in the restoration of order; and the unenlightened popular classes, who had been swayed by the passions of misguided 'patriotic' and communal fervour, and who were the cause of disorder. They also, as we have seen, disaggregated the 'communal question' into discrete local and regional questions. These

⁴⁴'Proceedings of the Inter-Dominion Conference'. Emphasis added.

processes of simultaneous (though not necessarily intellectually coherent) differentiation helped to secularise a space and a moment, and that in turn allowed the Calcutta agreement – which would have profound and complex legacies -- to be signed.

But it is also noteworthy that all of this happened without anyone professing any ideological commitment to ‘secularism’. Indeed, we can presume that at least some of the delegates (such as the Hindu nationalist Syama Prasad Mookerjee and K. C. Neogy on the Indian side, and possibly Nazimuddin for Pakistan⁴⁵), if tested, would have protested that far from being committed secularists, they were in favour of giving religious values a prominent role in shaping state institutions, and indeed, international relations.

Yet so much was agreed, by so many, with so little needing to be said, through jokes and teasing asides that all the delegates immediately seemed to understand. Hence in order to understand how secularising institutions were created by religious men at the Calcutta conference, we have perhaps to fall back on Bordieu’s notion of *habitus*: the un-examined and shared predispositions, or common-sense assumptions, about the ‘obvious’ good, of members of a post-colonial elite who arrived at the much the same conclusions from different starting points – and achieved an ‘overlapping consensus’ - without necessarily knowing how or why. This also might throw some light on the tricky question of how long-term societal change impacted upon a discrete governmental (and inter-governmental) process of decision-making. What we are observing, perhaps, were the outcome of long-term changes that had predisposed South Asian elites, whether Hindu or Muslim, Indian or Pakistani, to understand ‘the obvious good’ in the same way.

⁴⁵ Chowdhury had played a key role in presenting the Muslim case before Sir Cyril Radcliffe, and was not at this point in his life well known for a conciliatory approach towards India. Hamidul Huq Chowdhury, *Memoirs*, Dacca: Halima Hamid Trust, 1989. For his part, Mookerjee would soon resign from Cabinet and famously demand that India go to war with Pakistan.

II

Once this key idea is given its due, it should no longer come as a surprise that the apparently intractable disputes over jute which had threatened trade between India and Pakistan in March 1948 were settled at a new trade agreement in May 1948⁴⁶; and that in the matter of minority rights and refugee rehabilitation, the two countries went on to produce a whole series of entirely identical laws and regulations, in tandem (See Appendix II).

Nor should it surprise us to find that after Calcutta, the same logic would be extended to other regions and other areas of governance. Soon afterwards, both sides would begin actively to cooperate with the other, first to realize, and then to bolster, the sovereignty of its counterpart in the *western* border zones.

After the exchange of populations had been ‘completed’ across the western border, the border itself remained largely undefined, un-demarcated and unsettled. This came to be a worrying issue for both governments, particularly where the border cut through sparsely inhabited, and poorly policed, desert tracts. Before December 1948, India and Pakistan had authorized the Inspectors General of Police in East and West Punjab, the epicentre of the troubles, to devise common measures ‘to bring under control the border incidents between the two states’.⁴⁷ But in 1949, a new series of arrangements were put into place for the police forces of the two countries to co-operate in managing ‘ordinary’ crime in remote border areas, well beyond the killing fields of the Punjab. A new problem had arisen, becoming marked by the winter of 1948: policemen on both sides began to report increasingly frequent cross-border raids, particularly along the border between Bikaner, Jodhpur and Jaisalmer on the Indian side, and Bahawalpur, Khairpur and Sind in Pakistan. Men on horseback (often dressed in police or army uniforms) would come sweeping across the border and loot isolated villages on the other side, retreating with their booty across the border. In one typical incident on 12 November 1948, the police reported that ‘at 5 pm about 150 armed Muslims consisting of pathans from Bahawalpur state raided village Khilliwala on the border of Bikaner state’. The raiders, who were armed, broke up into

⁴⁶ Blinkenberg, *India-Pakistan*, p. 135.

⁴⁷ NAI/MEA/27-16/49 Pak III.

three groups and encircled the village, attacking the villagers and ‘looting the whole village to their hearts’ content’. Eleven armed policemen of the princely state of Bikaner were stationed in the village, but most of them fled when the first shots were fired. Two people were killed. The residents of this village, and four neighbouring villages on the Indian side, abandoned their homes.⁴⁸ By 1950, the Inspector General of the Sind Police reported that 168 incidents of this sort had taken place, most of them concentrated in the sector between Khokropar and Gadro. ‘It was obvious that these raids have become common since partition’, he reported, ‘and were a regular menace to both sides.’ His Indian counterpart, the Inspector General of the Rajasthan Police, agreed with him, reporting 193 similar incidents in Rajasthan alone. ‘He stressed the raiders in several instances came in uniform and equipped with modern weapons’.⁴⁹

Preserved in the archives is a fascinating set of reports of these meetings, at which measures to manage and contain these raids were agreed by local policemen from the affected zones of India and Pakistan. These reveal the depth and range of the ‘overlapping consensus’ – often at humble and quotidian levels – between the two countries across a whole range of questions. But for our purpose here, what is significant is the gradual shift in the police’s perception of these raids.

To begin with, the local police viewed these raids in unequivocally communal terms. So, for instance, in their first report on the Khilliwala incident, described above, the police insisted that the perpetrators were ‘150 *Muslims*’, without any evidence to support that claim. Less than three months later, in respect of an almost identical incident on 5 February 1949, in which five people were murdered in the village of Ragri (also in Bikaner), the police were a little more agnostic about the religious affiliation of the perpetrators, describing them simply as ‘Pakistanis’. By the time the Chief Secretary reported the event, he cautiously described the raiders as ‘*alleged* Pakistanis’.⁵⁰

⁴⁸ Extract from Daily Situation Report dated 20 November 1948, from the Central Intelligence Office, Ajmer, NAI/MEA/36-15/49 Pak III.

⁴⁹ ‘Minutes of the border conference held in the office of the S.P. Sind C.I.D Karachi on 13 October 1950 at 15.30 hours’, *ibid.*

⁵⁰ Telegram no. 940 dated 7 February 1949, from Chief Secretary, Bikaner State, to Prime Minister, Bikaner. NAI/MEA/36-15/49 Pak III. Emphasis added.

Gradually, over the next twelve months or so, officials increasingly began to see these raids as secular crimes against persons and property. They made fewer and fewer assumptions about either the communal (or national) identity, or communal motives, of the raiders. Instead, they began to refer to the perpetrators in the more traditional language of colonial policing,⁵¹ as ‘bad characters’.⁵² They spoke of the fact that ‘people residing within easy reach of the border in both India and Pakistan [were] very closely connected’. Indian and Pakistani officers agreed that ‘there [were] certainly some undesirable characters on both sides who encourage[d] the commission of many forms of crime, including dacoity, robbery and cattle theft.’ They recognised that they had to work together to police these ‘*badmashes*’⁵³.

The police also increasingly distinguished between the majority of ‘law abiding citizens’ who were ‘naturally disturbed’ by these crimes, and the ‘bad characters’ who committed them.⁵⁴ Both sides agreed on the importance ‘for the Police on both sides to exchange lists giving names and necessary particulars of such persons to ensure that all are suitably dealt with’.⁵⁵ The criminals were thus understood as individuals, with names and personal particulars, rather than as innominate representatives of entire communities. Their crimes were viewed as secular crimes (robbery, dacoity, cattle-theft) against ‘law abiding citizens’. The victims of crime, too, were simultaneously secularized: they were seen as upright, individual, property-owning members of ‘the public’ or ‘society’, rather than as a part of an homogenous and united, but essentially faceless, community/nation.

This is not to suggest that the police or administration in the area abandoned a communal view of identity, or of national belonging. They did not. We see this plainly in the exchanges between the Chief Commissioner of Kutch and the Government of India at the

⁵¹ Rajnarayan Chandavarkar, ‘Customs of Governance: Colonialism and Democracy in Twentieth Century India’, *Modern Asian Studies*, Vol. 41, No. 3 (May, 2007), pp. 441-470. Also see Taylor C. Sherman, *State Violence and Punishment in India*, Routledge: London and New York, 2010.

⁵² ‘Minutes of the border conference held in the office of the S.P. Sind C.I.D Karachi on 13 October 1950 at 15.30 hours’, NAI/MEA/36-15/49 Pak III.

⁵³ Loosely, career criminals.

⁵⁴ Ibid.

⁵⁵ Ibid.

centre on the wisdom of extending to Kutch the mutually agreed cross-border policing arrangements set out in Appendix III. Kutch, a sparsely populated region situated on the Indian side of the western border between India and Pakistan,⁵⁶ had a large number of Muslims. The Chief Commissioner of Kutch reported that no similar incident had ever occurred in Kutch, so extending these arrangements to Kutch was unnecessary. Moreover, he argued, to do so represented a real threat to India's national security, as 'the population on our side of the border [being] mostly Muslim... [it] cannot be relied upon in times of emergency'. He concluded that 'it would not be advisable to allow any Pakistani officer to visit Kutch and get an idea of the existing conditions in Kutch'.⁵⁷ His implication was clear: Kutchi Muslims were not reliable and their loyalty to India was uncertain; and if a Pakistani officer got wind of this, he might encourage his government to stir up trouble in the region, already the site of a border dispute between the two countries.⁵⁸

What is particularly revealing is the central Ministry of State's response to this missive. The Deputy Secretary in Delhi denied Kutch permission to stand apart from its neighbouring border zones, insisting that 'we do not need to wait for the actual occurrence of serious incidents to create such a machinery in Kutch'. And 'as for...the presence of an unreliable Muslim population, we feel that the visit of one or two officers for a meeting, which will be pre-arranged, will not in itself be a source of danger... Other security arrangements should be able to meet such dangers'.⁵⁹ Note that the Deputy Secretary in Delhi did not challenge the Kutch Commissioner's claim that 'such dangers' indeed existed, or question the assumption that the Muslim population was 'unreliable'. He took for granted the 'fact' that Muslim loyalty was shaky. But he was clear that this was not in itself a ground to depart from established procedure.

Here we catch another glimpse of the process of secularization at work. Secularising institutional practice in one arena of government (inter-dominion relations and cross-border migration in the east) could and did influence the official approach to very different

⁵⁶ Farhana Ibrahim, *Settlers, Saints and Sovereigns. An Ethnography of State Formation in Western India*, London: Routledge, 2009.

⁵⁷ D.O.C. No. C-129/49, dated 9 May 1950, from the Chief Commissioner, Cutch, to the Deputy Secretary, Ministry of States, Government of India', NAI/MEA/36-15/49 Pak III.

⁵⁸ On the Sir Creek dispute, see Srinath Raghavan, *War and Peace in Modern India*, (London: Palgrave Macmillan), 2010.

⁵⁹ GOI/MEA/36-15/49 Pak III; GOI/ MEA U/C No. D.4507-P/50, dated 16 May 1950.

issues in a very different region and level of governance. So much so that the institutional practices set up by the Calcutta Agreement could reverse, at least in part, established aspects of border management in the west. Practices agreed at exceptional moments of crisis by elites could spread, and eventually came to affect more quotidian, but nonetheless significant, ‘cultures of governance’ at more humdrum levels. This spread did not, however, represent an abandonment of communal stereotypes or ideologies on the part of the men who implemented them. The two sets of dynamics, contrary though they were, existed side by side.

Creating secularising practices that helped to promote peace and enable Indo-Pakistan cooperation was not, then, all about motherhood and apple pie. Nor was it incompatible with communal perceptions and conflict. Cooperation between India and Pakistan drew heavily on their officials’ fear of anarchy and disorder, and their elites’ powerful and shared perception that the survival of both states, and the social order that sustained their own power, was threatened by uncontrolled flows of people across unmanageable borders. It thus drew eclectically upon a shared (but shifting) legacy of colonial bureaucratic mind-sets and a common elite ‘habitus’.⁶⁰ As Gould, Sherman and Ansari have noted, the transition to independence and partition created stresses that ‘altered conceptions of loyalty among government servants, particularly with respect to minorities and political opponents,’⁶¹ and these new perceptions cannot be ignored. Yet remarkably, we find police in the borderlands slipping easily from seeing all crime as ‘communal’, to a familiar preoccupation with ‘bad characters’ (seen as habitually criminal individuals, distinct from ‘bad religious communities’), ‘conniving villagers’ and ‘harbouring villages’ (as opposed to homogenous communal groups). From the fascinating vignettes that emerge from the archives, it seems that Indian and Pakistani elites high and low, who also had the role of agents of these states in their negotiations with each other, shared an unexamined

⁶⁰ Chandavarkar, ‘Customs of Governance’; Taylor C. Sherman, *State Violence*.

⁶¹ William Gould, Taylor C. Sherman and Sarah Ansari, ‘The Flux of The Matter: Loyalty, Corruption and the “Everyday State” in the Post-Partition Government Services of India and Pakistan’, *Past and Present*, 219, May 2013.

commitment to preserving social hierarchy and state authority by coercion, if necessary, and took it for granted that this was the ‘obvious’ thing to do.

My aim in this essay has been to investigate the relationship between ‘critical’ or ‘constitutive’ moments, and the long arc of history. If one can draw on these particular moments to make observations about longer processes of secularization, the first thing to be said is that they were ideologically incoherent. Their ‘progress’, if one can so describe it, was piecemeal and illogical. It had many rationales – whether to promote local order, bureaucratic efficiency, social hierarchy or elite interests – and they sometimes contradicted one another. In one case, the imperative of orderly bureaucracy might trump local exception; in another, where the exception was more expedient, it trumped the rule. We get no sense of a clear linear progression in a single direction, towards a predetermined goal. Secularization involved differentiating between the state and the community, the community and the individual, national and regional interests, the community and class. But in the subcontinent’s post-partition crises, these differentiations did not occur in the same time, in the same way, with the same intention – or indeed any coherent intent at all, other than the immediately and ‘obviously’ expedient.

Reversals, too, were frequent. Large parts of the Calcutta agreement 1948 did not endure for very long after the ink was dry. Safeguarding the life, property, and cultural rights of minorities was observed more in the breach than in the substance⁶². In 1950, terrible rioting required a whole new agreement (the Nehru-Liaquat Pact) to be drawn up in another attempt to restore peace and stem migration. Passports were introduced for cross-border travel in 1952, and in 1965, the application of the Enemy Property Act of that year made a nonsense of the substantive goals of the 1948 Agreement.⁶³

Yet institutions, and bureaucratic practices, introduced in 1948, proved to be less ephemeral. The Evacuee Property Management Boards established in that year survived for decades, and cross-border consultative processes of this kind (such as Joint Riot Enquiry Commissions, Joint Border Working Groups, monthly inter-Dominion meetings, Provincial and District Minority Boards, and Inter-Dominion Consultative Committees) proliferated in the aftermath. Many of them have proved resilient. When Willem van

⁶² Joya Chatterji, *The Spoils of Partition. Bengal and India, 1947-1967*, (Cambridge: Cambridge University Press,) 2007; Roy, *Partitioned Lives*.

⁶³ E.g. M. I. Farooqui, *The Law of Abandoned Property*, (Khaja Art: Dhaka), 2000.

Schendel conducted anthropological research in Bengal's borderlands in the 1990s and early 2000s, he found that 'in their pursuit of border stability, officials in border districts often quietly employed practices of cross-border co-operation and conflict management that flew in the face of the confrontational policies of territoriality employed by their superiors in the capital.'⁶⁴

If secularizing institutions were created with tenuous outcomes and contradictory purposes, peace between neighbouring states – and thus 'the international order' -- was sometimes the outcome of secularization. However, peace was not necessarily the goal of any individual actor. The protagonists in our story were, in one way or other, all agents of the state, and secularization occurred when they found it appropriate to place the interests of the state above the interests of their (religious) 'community' or 'nation'. But often they were driven to do so more by threats to local order, or to their own social group, than by commitment to any abstract conception of the state, or the international order, or a peaceful South Asian neighbourhood.

None of this is intended to suggest that conflict was no part of the relationship between India and Pakistan. Of course it was. Kashmir was already a huge bone of contention in the early months of 1948. Junagarh, Hyderabad, and the Indus Waters dispute would soon deeply compromise the fragile trust between these two nations. But the point here is that both sides had developed a pragmatic understanding that each of these conflicts had to be resolved, or if that was not possible, at least contained. Moreover, these areas of conflict must be understood alongside the very significant areas of agreement between the two sides. The contrapuntal relationship between the notorious disagreements which have dominated the conventional narrative on Indo-Pakistan affairs and their less well known, but arguably more substantial agreements, calls, as this essay has suggested, to be explored more fully, and to be better understood.

(9,642 words including notes, appendices and title)

⁶⁴ Willem van Schendel, *The Bengal Borderland. Beyond State and Nation in South Asia*, London: Athem Press, 2005, p. 394, note 83.

Appendix 1.

Calcutta Inter-Dominion Conference, April 1948:

agreements reached

- to protect life and property of minorities
- to safeguard their civic and cultural rights
- to discourage propaganda for the amalgamation of India and Pak
- to warn Govt servants against dereliction of duty towards minorities, towards creation of fear and apprehension in their minds
- to curb tendencies towards economic boycott and strangulation of their normal life
- Setting up of Evacuee Property Management Boards in districts or areas from which a substantial exodus had taken place
- to postpone discussion of the question of Muslim migration between Assam and East Bengal to a separate Inter-Dominion.
- Pending this, not to taken any action to force or precipitate migration to one province from the other on a mass scale

Appendix II

Key legislation and agreements regarding refugees and evacuees in India, Pakistan and Bangladesh 1947-72

Declarations establishing custodians of evacuee property	India, September 1947	Pakistan, September 1947
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Joint Defence Council decision to establish the MEO	India, September 1947	Pakistan, September 1947
Calcutta inter-dominion agreement	India, April 1948	Pakistan, April 1948
Permit ordinances	India, 14 July 1948	Pakistan, 15 October 1948.
Evacuee Property Ordinance:	India, June 1948.	Pakistan, October, 1949
Karachi Agreement	India, January 1949	Pakistan, January, 1949
Evacuee Property Act:	India, April 1950	Pakistan: April 1950
Liaquat-Nehru Pact	India, 1950	Pakistan, 1950
Passports:	India, October 1952	Pakistan, October 1952
Displaced Persons (Compensation) Act:	India, 1954	Pakistan, (NADRA rules) 1949-55
Enemy Property Act	India, 1968	(Ordinance) Pakistan, 1969
Vested Property Ordinance		Bangladesh, 1972

Appendix III

Protocol agreed between police officers in the event of border incidents

- Exchange of First Information Reports and Daily Reports of all incidents of raids.
- In the event of raids, police of both sides to exchange information, by wireless, where possible, or telegram.
- ‘Earnest efforts’ to be made to recover stolen property. ‘This is imperative in the case of abducted persons particularly women.’
- When a raider has been identified by name, ‘strong and effective action’ to be taken ‘to run him to earth’.
- Exchange of lists of ‘notorious persons’ strong and effective action against ‘these individuals’.
- Collective penal action ‘in the shape of collective fines or otherwise’ against villages conniving with border raids.
- Superintendents of Police (SPs) and their gazette officers to ‘keep an eye’ on ‘the harbourers of the raiders’.
- Where possible, permanent permits to be issues to concerns SPs and gazetted officers to enable them to meet their opposite numbers without delay.
- Warnings to be issued to all border police, village defence societies, national guards and troops ‘to refrain from giving any direct or indirect assistance to the raiders’.
- Steps to be taken to publicize these decisions so that miscreants and raiders on both sides are aware that ‘adequate steps’ would be taken against them

Source: ‘Instructions relating to meetings between police officers of Rajasthan and Pakistan to prevent border incidents’, NAI/MEA/36-15/49 Pak III.